

### **REMARKS**

This responds to the Office Action mailed on June 19, 2006, and the references cited therewith.

Claims 58, 59, 61, 64, 72 and 78 are amended, claim 60 is canceled, and claims 82-97 are added; as a result, claims 58-60 and 61- 97 are now pending in this application.

#### **Double Patenting Rejection**

Claims 58, 62, 65-70, and 72-81 were rejected under a non-statutory double patenting rejection, specifically U.S. Patent No. 6,737,809. Applicants do not admit that the claims are obvious for non-statutory double patenting in view of U.S. Patent No. 6,737,809 and reserve the right to file one or more continuation applications to cover the claimed subject matter. However, in order to expedite allowance of this application, Applicants have amended the claims to claim the subject matter indicated by the Examiner as allowable.

#### **Allowable Subject Matter**

Claims 59-61, 63-64 and 71 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 58 has been amended to incorporate the limitation of allowable claim 61. Claim 58 has also been amended to delete the limitation "within the range of 0.5 to 30 GHz", which has been included in new dependent claim 82. Claim 58 is now believed to be allowable.

Claims 59-60 and 62-82 depend, directly or indirectly, on claim 58 and are believed patentable for that reason, and are also believed to be patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

New claim 83 includes all the limitations of claim 58 (prior to amendment) other than the frequency range of 0.5 to 30 GHz (which has been moved to a dependent claim) and also includes the limitation of claim 71, which was indicated as allowable. Accordingly, new claim 82 is believed to be allowable.

New claims 84-97 depend, directly or indirectly, on claim 83 and are believed patentable for that reason, and are also believed patentable in view of the additional elements which they provide to the patentable combination.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 12/18/2006

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th day of December 2006.

Kimberly Brown

Name

  
Signature